

**Jesse Merrithew**, OSB No. 074564

Email: jesse@lmhlegal.com

**Viktoria Lo**, OSB No. 175487

Email: viktoria@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

Facsimile: (971) 544-7092

**Juan C. Chavez**, OSB No. 136428

Email: jchavez@ojrc.info

**Franz Bruggemeier**, OSB No. 154030

Email: FBruggemeier@ojrc.info

**Alex Meggitt**, OSB No. 174131

Email: ameggitt@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

Facsimile: 971-275-1839

**J. Ashlee Albies**, OSB No. 051846

Email: ashlee@albiesstark.com

**Whitney B. Stark**, OSB No. 090350

Email: whitney@albiesstark.com

**Maya Rinta**, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

**Attorneys for Plaintiffs**

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF LESTER WRECKSIE  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION

I, Lester Wrecksie, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.

2. I am one of the named Plaintiffs, and a proposed class representative in the above-named case. I make this declaration in support of Plaintiff's Motion for Class Certification.
3. I have been informed of the responsibilities of a class representative.
4. In general terms, I understand the claims in this case.
5. I am 45 years old and have been a Portland resident for approximately four years, including during the summer of 2020.
6. I attended protest demonstrations between May and November 2020 in support of the Black Lives Matter movement, and in opposition to the Portland Police Bureau (PBB) and other police violence against Black people in Portland and across the world.
7. I am concerned about the City's pattern and practice of harming police accountability protesters.
8. I am able and willing to serve as a class representative.
9. If appointed, I will stay informed and actively participate in the case. I will keep in contact with my lawyers. I will put the interests of the class first.
10. I am willing to serve as a class representative.
11. I have a Bachelor's Degree in Studio art. For the past approximately nine years, I have been employed as an Operations Lead in a business advertising department.
12. I attended numerous protests between May and November 2020, including a majority of the nightly protests in June 2020.
13. At beginning of protests in early June 2020, I occasionally carried protest signs expressing messages such as: "Black Lives Matter," "Free Palestine/End Apartheid," "Fuck 12," "Melt ICE," and I occasionally carried an umbrella which I embellished in hot pink and glitter the messages "BLM" and "ACAB." During the protests I also regularly engaged in call-and-response and chants including, "Black Lives Matter," "say their name" chants about victims of

police violence, “1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, fuck 12,” and “A, C, A, B, all cops are bastards.”

14. At no point at any time during any of the protests did I ever throw anything at the police, light any fires, engage in any property destruction, or otherwise engage in any acts beyond passive resistance.

15. On June 20, 2020, around 7:00pm or 8:00pm, I attended a protest at the Justice Center and joined other demonstrators who were standing or sitting on SW 3rd Avenue in front of the building. I brought my bicycle, which I had used to get to the area and which was my main form of transportation. That evening, I heard PPB make an announcement listing city street names and saying words to the effect that downtown was closed, and to leave the area. I stood where I was in peaceful protest.

16. Then, uniformed officers came down the street where I and other protesters were standing. I believed them to be PPB officers based on the earlier and continued announcements, including “This is the Portland Police Bureau.” PPB’s announcements around that time continued, including, “this is the Portland Police Bureau” and to leave the area “or you [demonstrators] will be subject to arrest and use of force including crowd control munitions.” I began to walk my bicycle with the crowd down SW 3rd Avenue as instructed by the police. I noticed an older Black gentleman remained seated on the ground in the middle of street and approached him, leaning over my bicycle to ask the man if he wanted anyone to stay with him because I was concerned for his safety at the hands of police. During our interaction, while I was facing north and away from the police, a flashbang grenade hit me and exploded on or near my body. I jumped in shock and stumbled; I believe I suffered a concussion. A police officer wrenched my bicycle out of my hands as other protesters drug me away. I fell unconscious.

17. A video of this interaction, which was produced to my lawyers by the City, is attached as Exhibit 1. Among other things, this video shows the police shooting and hitting me with at least

one flashbang grenade, and wrench the bicycle out of my hands, which they later throw down the street and then over a fence.

18. When I regained consciousness, other protesters were dragging me on the ground towards Chapman Square park in an attempt to get away from the police. Police officers, believed to be Portland police based on previous and continued police announcements, followed us. Officers also blocked off the area from SW 4th Avenue. Multiple officers hit me and people around me with their batons multiple times, which appeared indiscriminate, while yelling, “move, move, move” even though I and other members of the crowd were already moving.

19. Other protesters tried to attend to my injuries but soon after I tried to retrieve my bicycle. Near SW 4th Avenue and Main Street, I witnessed Portland police firing multiple FN 303s against demonstrators who were in the area but not doing anything except moving or standing there. Eventually, I realized I could not retrieve my bicycle as the police continued to yell to leave the area and shoot FN 303 munitions down the street. I then decided to leave. Before I went home on foot, I realized I had been hit by a marking round, as there was pink spattered dust on my boot.

20. On June 30, 2020, I attended a protest. At around 5:00pm or 6:00pm, I went to Peninsula Park to listen to speakers and musical performers. I then joined the crowd of demonstrators and marched to the Portland Police Association (“PPA”) building on N Lombard Street.

21. I played Roller Derby, a full-contact sport on roller skates, for about 13 years on several continents. I am a strong roller skater. That day, on June 30, I wore to the protest roller skates, knee pads, a leopard-print helmet, a backpack, blue jeans, and a blue floral handmade mask to protect against covid-19.

22. Shortly after I arrived on N Lombard Street near the PPA building, PPB announced words to the effect that the gathering was unlawful and the protesters had to disperse. After the

announcement, I sat down on the ground in peaceful protest. I tried to encourage others to do so as well, but they were terrified and did not do so because the police were quickly advancing on us. Fearful of being trampled, I stood up and helped my friend and others turns their bicycles around to face the correct way in order to retreat east with the crowd as the police continued to advance and push members of the crowd east on N Lombard St.

23. As members of the crowd moved, I saw some people near the police line holding a banner. They were walking backward, moving east, and showing the police the banner. The banner read “ABOLISH THE P.P.B.” I rolled over to help them carry a part of the banner while continuing to move east. My back was to the police line. PPB officers yanked my backpack multiple times, and then I felt a stinging sensation in my face and eyes as if I had been pepper sprayed. I lost my balance on my roller skates and fell. PPB then shot me multiple times with FN 303 munitions.

24. Prior to getting shot, I had been holding the banner, facing east, and moving east in compliance with the police’s instructions. I was not engaged in any conduct beyond passive resistance.

25. PPB’s weapons struck me in multiple areas, including my back hip, around my backpack, and my leg around the ankle. It was painful and caused multiple bruises.

26. Other demonstrators pulled me up off the ground and through the crowd where I was able to continue to move east on Lombard.

27. Video footage of the above-described incident on June 30, 2020 is in the record at Dkt. 150 (Declaration of Matthew Cleinman, Exhibit 1).

28. On June 30, 2020, I was also subjected to PPB’s use of flashbang grenades and tear gas.

29. On at least two other occasions in approximately June 2020, I was subjected to additional use of flashbang grenades. One occasion was when I was leaving a protest down SW Main Street, he was hit in the ankle by a flashbang grenade which had bounced and exploded while I

was running away from the area in compliance with police instructions. On other occasion, I experienced a flashbang grenade bounce off of my helmet.

30. PPB also subjected me to a weaponized LRAD. In early June 2020, I attended another protest at the Justice Center. Near SW 4th Avenue and SW Main, I experienced PPB's weaponized LRAD, which included a high-pitched series of clicking sounds that shook his entire body. I felt hit by vibration, as though my bones and the air in my lungs were shaking. It was a painful experience. I also heard people screaming, and felt instantly nauseous. Eventually I stumbled out of the path of the LRAD and left the protest altogether to avoid another exposure to the weaponized LRAD.

31. PPB also subjected me to baton strikes. On one occasion at a protest near the PPA building on N Lombard Street, I followed police's instructions to move to the sidewalk. But once I complied and was on the sidewalk, police came to the sidewalk and started shoving me and others with batons to forcefully move us down the block. I witnessed and experienced numerous similar incidents, where the police hit me and other demonstrators with batons to get us to move, even when the crowd was complying but not able to move as quickly as the police wanted.

32. In addition to the incident on June 30, PPB subjected me to aerosol restraints (CS spray or pepper spray). On multiple occasions I witnessed and experienced PPB officers hanging off of their riot vans, spraying the entire area as they drove by. This included one occasion where I was on a residential lawn at a woman's home near the PPA building, where we witnessed the police drive by and indiscriminately spray the air as they drove down the street.

33. In addition to the incident on June 30, PPB subjected me to tear gas on multiple other occasions. One occasion was during the evening when I was attending a protest downtown on SW Salmon Street. The street looked fogged completely over with awful green smoke in the area. I tried to escape the area but people around me were also choking and running blind. When

I eventually made it out of the worst of the tear gas, near SW 5th Avenue, I was forced to take off my fabric covid face mask and I vomited in the street. This type of experience happened to me during many protests in June and July 2020, including downtown and in residential neighborhoods.

34. I also witnessed numerous occasions of PPB using force on protesters who were not engaged in conduct beyond passive resistance, including protesters who were just standing there not doing anything except chanting or yelling. For example, I witnessed indiscriminate shooting of less lethal munitions down city streets; I witnessed a woman who had been shot in the head, with blood running down her face; I witnessed Portland Police at PBB's North Precinct shooting munitions at people who were only dancing near the building; and I witnessed police shoot FN 303s and 40mm weapons at people demonstrators who were simply standing (and sometimes holding umbrellas) between the crowd and the police.

35. I witnessed PPB indiscriminately shooting at people on multiple occasions. That is, it did not appear to me that the police were aiming at specific people, and it did not seem like they had any goals in terms of who they were shooting and injuring. Instead, police just waved their gun towards the crowd. For example, on multiple protests near the Justice Center, especially when the police blocked off the nearby parks or informed the protesters that downtown areas were "closed," I witnessed the police shooting whatever crowd was near the blocks, even when the demonstrators were not doing anything, as if the police's sole purpose was to keep people out of the parks or the area. On another occasion, near Portland City Hall, I witnessed PPB shooting munitions down the street: they did not appear to be aiming at people specifically, but just clearing the streets. I witnessed this conduct in other circumstances too, such as with marching demonstrators: PPB would chase the group around and shoot munitions at people in the group in order to disperse the protesters who weren't doing anything but marching.

36. I estimate there are tens of thousands of people in the First Amendment class, based on my experience going to protests.

37. Witnessing and experiencing PPB's violent response to our protests has made me wary of going to another demonstration. I now have to think about the fact that if I want to exercise my First Amendment Rights, I will have to face these types of traumas again. While I still believe it is our duty to speak up when we see wrongs, this is negatively impacted by ability to protest and exercise my First Amendment rights.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 01 / 13 / 2022



---

Lester Wrecksie